

## REMARKS/ARGUMENTS

Claims 18-40, 42-61, 63-85 and 87-103 were previously pending. As noted above, claims 18, 36-38, 39, 40, 58, 59, 79, 80-83 and 103 have been amended, and claims 1-17, 19, 23, 35, 41, 45, 57, 62, 66, 78, 86, 90 and 102 have been canceled. Support for these amendments may be found throughout the Specification<sup>1</sup> and original claims. Thus, claims 18, 20-22, 24-34, 36-40, 42-44, 46-56, 58-61, 63-65, 67-77, 79-85, 87-89, 91-101 and 103 are now pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

### *Claim Rejections – 35 USC § 103*

Claims 18, 21, 22, 24, 37-40, 43, 44, 46, 59-61, 64, 65, 67, 80-85, 88, 89 and 91 are rejected under 35 USC § 103(a) as being obvious over Xu (US Patent No. 6,963,582) in view of Verma et al., (US Patent No. 6,522,880) and further in view of RFC 2983 by D. Black. Claims 20, 23, 25, 26, 35, 36, 42, 45, 47, 48, 57, 58, 63, 66, 68, 69, 78, 79, 87, 90, 92, 102 and 103 were rejected under 35 USC § 103(a) as being obvious over Xu in view of Verma in view of Black and further in view of Barany et al. (US Patent No. 7,072,336). Applicants respectfully traverse.

In particular, applicants submit that Xu, Verma, Black and Barany, taken alone in alleged combination do not disclose or even suggest a mechanism of transferring data in a communication network in which a radio access network (RAN) is configured to transmit to a packet data service node (PDSN) back-pressure messages corresponding to the plurality of tunnels established between the RAN and PDSN, and, more specifically, systems and methods as claimed in amended independent claims 18, 37, 38, 39, 40, 59, 80, 81, 82 and 83, which recite, inter alia, receiving a back-pressure message from the RAN node, wherein the back-pressure message corresponds to a respective one of the plurality of tunnels, or transmitting a back-pressure message to the network access node, wherein the back-pressure message corresponds to a respective one of the plurality of tunnels.

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<sup>1</sup> See, e.g., Specification, paragraph 70.

The Examiner alleged that Barany discloses the back-pressure messages from the RAN node (the Office Action at pages 12-13). Applicants respectfully disagree. The cited portion of the Barany reference used in support of the Examiner's allegation is reproduced below:

One field of an IP header is a differentiated services (DS) field. In an IPv4 header, this field is referred to as a service type field. In an IPv6 header, this field is referred to as a traffic class field. The DS field is assigned a Diff-Serv code point (DSCP), which maps to a specific PHB (per-hop behavior) of routers that are part of the path along which the packet is transmitted. PHB denotes a combination of forwarding, classification, scheduling, and drop behaviors applied to a behavior aggregate (BA) at each hop (e.g., at each router that is a Diff-Serv-compliant node). A behavior aggregate is a collection of packets with the same DSCP crossing a link in a given direction. PHBs may be specified in terms of their resource (e.g., buffer, bandwidth, etc.) priority relative to other PHBs, or in terms of their relative observable traffic characteristics (e.g., delay, loss, etc.). By specifying plural DSCPs in the DS field carried in each IP packet, corresponding different PHBs (and thus different QoS requirements) can be specified. In accordance with some embodiments, the application 124 (FIG. 2) in each user device 100 sets a DSCP value in the DS field of an IP packet. Col. 7, ll. 26-45.

The above passage merely described a concept of differentiated services (DS) and how they are used in the IPv4 protocol transmissions. This passage does not disclose or even suggest a RAN configured to transmit to a PDSN back-pressure messages corresponding to the plurality of tunnels established between the RAN and PDSN. In fact, not only does Barany fails to mention the concept of back-pressure messages, but it also does not disclose or event suggest data tunneling between RAN and PDSN, as disclosed and claimed in the present application.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 18, 37, 38, 39, 40, 59, 80, 81, 82 and 83 and associated dependent claims under 35 USC § 103(a) as being obvious over Xu, Verma, Black and Barany.

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### CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

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Respectfully submitted,

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